

Confirm. No. 9453  
514413-3768**REMARKS**

Reconsideration and withdrawal of the rejections of this application and consideration and entry of this paper are respectfully requested in view of the herein remarks, which place the application in condition for allowance.

**I. STATUS OF CLAIMS AND FORMAL MATTERS**

Claims 23-42 are now pending in this application. Duplicate claim 16 has been cancelled. Claims 23, 29 and 32 have been amended to maintain consistency with the claims in the parallel European application. No new matter has been added by this amendment.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

**II. THE 35 U.S.C. 112, 2<sup>nd</sup> PARAGRAPH REJECTIONS HAVE BEEN OVERCOME**

Claims 31, 34 and 37 were rejected for appearing to depend on a different class of claim (i.e. a composition claim instead of another method claim). This rejection has been rendered moot by the above amendments.

**III. THE 35 U.S.C. 102(b) REJECTION HAS BEEN OVERCOME**

The applicants appreciated the Examiner's helpful suggestion to include 2,4-D in the proviso statements c) and d) in claim 23 to overcome the rejection of the claims 23, 27 and 28 over Willms et al. (U.S. Patent 5,696,051). While the applicants do not necessarily agree with the rejection, the amendments have been made to advance prosecution and the applicants reserve the right to further pursue the scope of the cancelled subject matter is a continuation application.

**III. REQUEST FOR REJOINDER**

Should claims 23, 24, 26-28, 32-34 and 38-42 be held to be allowable, the applicants respectfully request that claims 16, 25, 29-31 and 35-37 be rejoined.

**CONCLUSION**

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably

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from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution. The Commission is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,

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